

REMARKS

Remark 1:

Applicant has renumbered the second originally filed Claim 13 and originally filed Claims 14-18 as amended Claims 14-19, respectively. Applicant respectfully submits that the claims are allowable.

Remark 2:

Applicant hereby submits a print pen-and-ink sketch showing changes in red ink in accordance with MPEP 608.02(v) for Examiner's consideration. New formal drawings are also submitted herewith. Applicant respectfully submits that the drawings are allowable.

Remark 3:

Applicant hereby submits amendments to the specification for Examiner's consideration. Applicant respectfully submits that the specification is allowable.

Remark 4:

Applicant hereby submits further amendments to the claims for Examiner's consideration. Applicant respectfully submits that all the pending claims are allowable.

Remark 5:

Applicant hereby requests the Examiner withdraw Vorbach et al. (Vorbach) as an anticipating reference under 35 USC 102(b). Applicant submits that the portion of U.S. Patent No. 3,885,255 which is available for inspection by the public is insufficient to provide an adequate teaching of any alleged invention which may be described therein. Inasmuch as the entire description of FIG. 8 is unavailable for inspection by the public, the reference under either 35 USC 102(b) or 35 USC 103 is improper.

Applicant has caused the following searches to be done, but all of the searches resulted in the printing of the first 10 pages of the patent only, i.e., the page of bibliographic data, 5 sheets of drawings containing 8 figures, and the first 6 apparently entire columns of specification including detailed description at least partially through FIG. 7 only:

- E-Patent Reference, a new feature in the USPTO's private PAIR system, for downloading U.S. patent references available to licensed and registered U.S. patent practitioners;
- USPTO Full-Text and Full-Page Image Database maintained free, online available to the public; and
- Optipat, a division of MicroPatent, a provider of commercial patent services to the public and the industry.

In light of the widespread unavailability of the entire reference, any reliance on the reference is improper as contrary to U.S. patent law as well as public policy.

Remark 6:

Applicant hereby further requests the Examiner withdraw Vorbach et al. (Vorbach) as an anticipating reference under either 35 USC 102(b) or 35 USC 103. Applicant submits that the portion of U.S. Patent No. 3,885,255 which is available for inspection by the public is insufficient to provide an adequate teaching of any alleged invention which may be described therein. Inasmuch as Vorbach fails to teach a traveling drum enclosure, the reference under either 25 USC 102(b) or 35 USC 103 is improper.

Applicant cedes that Vorbach teaches a swimming pool cover attached at one end to a drum, the rotation of which is taught to cause the pool cover to become wound in the familiar fashion thereon. A

carriage serves to carry the drum which has wheels and other transport mechanism on each side. A coupling arrangement connects a motor to the transport mechanism for the purpose of moving the carriage and drum assembly as well as for the purpose of winding and unwinding the pool cover from the drum.

However, the present invention is directed to a traveling pool cover drum enclosure. Vorbach teaches a translating cover drum but describes no enclosure structure nor hydraulic actuator assembly. There is no suggestion that the cover drum can be placed within an enclosure for translation of the enclosure upon actuation as taught in the present invention.

Remark 7:

Moreover, Vorbach actually teaches away from the use of a cover drum enclosure. At column 1, line 61, Vorbach states "Here the cover itself is not in motion relative to the area to be covered, the cover is simply unrolled over the area, and is taken up when being rolled up again." This, in fact, is precisely the opposite of the present invention, since in the present invention the entire pool cover wound onto the cover drum, within an enclosure, can be translated by a hydraulic cylinder coupled to a drive cable causing rotation of the wheels coupled to the ends of the cover drum enclosure.

Additionally, there is no reference to any hydraulic fluid actuator or cylinder in Vorbach. Vorbach is related solely to electric motors, which are dangerous and prone to failure. An object of the present invention is to provide such a translating cover drum enclosure using hydraulic actuators and control lines to avoid the dangers and failures of electric motor assemblies such as that shown in Vorbach.

Finally, as is apparent is that Vorbach teaches a system which spans and covers the entire swimming pool and rolls over the entire pool, across its entire length and width. The present invention is exclusively directed to translation of a pool cover drum enclosure from a point just in back of one edge of the swimming pool to another point essentially directly over and in front of the front edge of the swimming pool, an area not even defined or considered by Vorbach. The purpose of the present invention is to cause translation of a swimming pool cover drum enclosure just up to the pont where, upon rotation of the central drive shaft, will cause the pool cover to unwind automatically and fall straight down onto the surface of the water contained within the swimming pool to spread out over the entire surface therefrom.

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CONCLUSION

Applicant respectfully submits that for all the foregoing reasons, the claimed subject matter describes patentable invention. Furthermore, Applicant submits that the specification is adequate and that the claims are now in a condition for allowance. No new matter has been entered.

Applicant hereby respectfully requests Examiner to withdraw the cited references as anticipating or obviating prior art, enter these amendments, find them descriptive of useful, novel and non-obvious subject matter, and authorize the issuance of a utility patent for the truly meritorious, deserving invention disclosed and claimed herein.

Without further, Applicant does not intend to waive any claims, arguments or defenses that they may have in response to any official or informal communication, paper, office action, or otherwise, and they expressly reserve the right to assert any traverse, additional grounds establishing specificity and clarity, enablement, novelty, uniqueness, non-obviousness, or other patentability, etc.

Further, nothing herein shall be construed as establishing the basis for any prosecution history or file wrapper estoppel, or similar in order to limit or bar any claim of infringement of the invention, either directly or under the Doctrine of Equivalents.

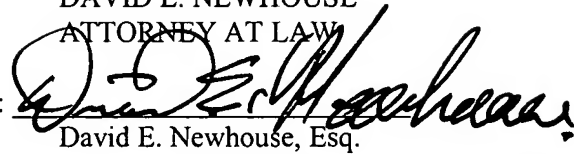
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Respectfully submitted,

DAVID E. NEWHOUSE
ATTORNEY AT LAW

Dated: November 5, 2004

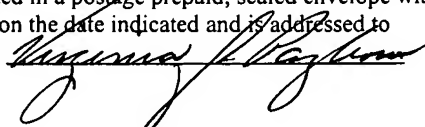
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CERTIFICATE OF MAILING

I hereby certify that this paper and the documents attached hereto are being deposited in a postage prepaid, sealed envelope with the United States Postal Service using First Class Mail service under 37 CFR 1.08 on the date indicated and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450". Signed: 
Date Mailed: November 5, 2004.



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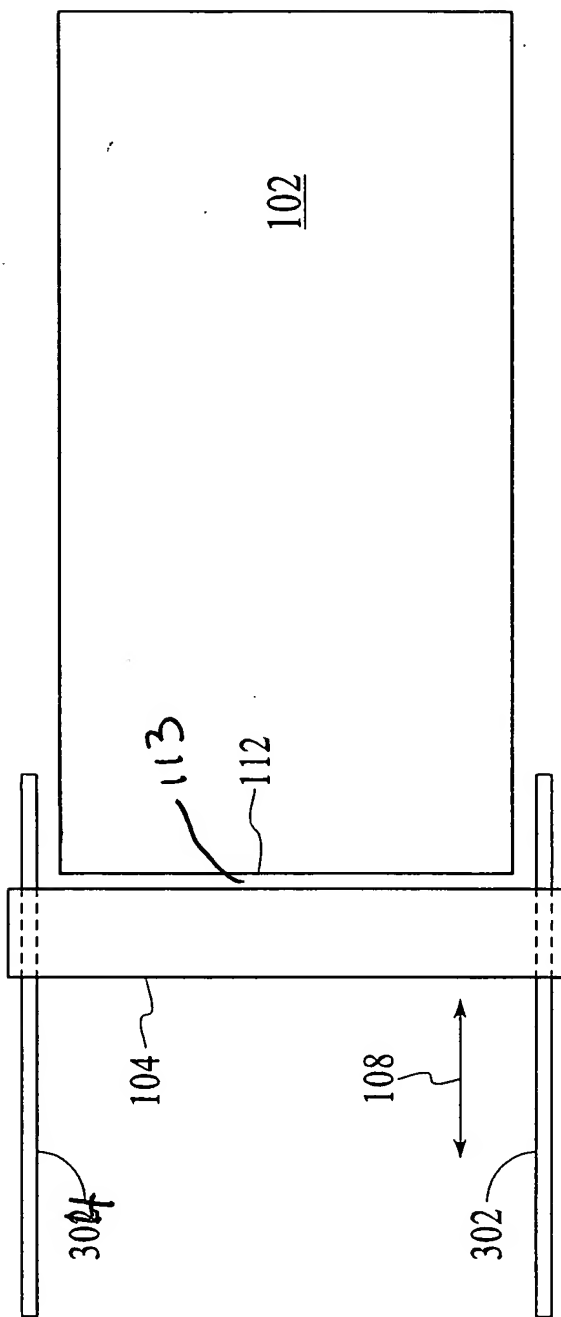


FIG. 1A

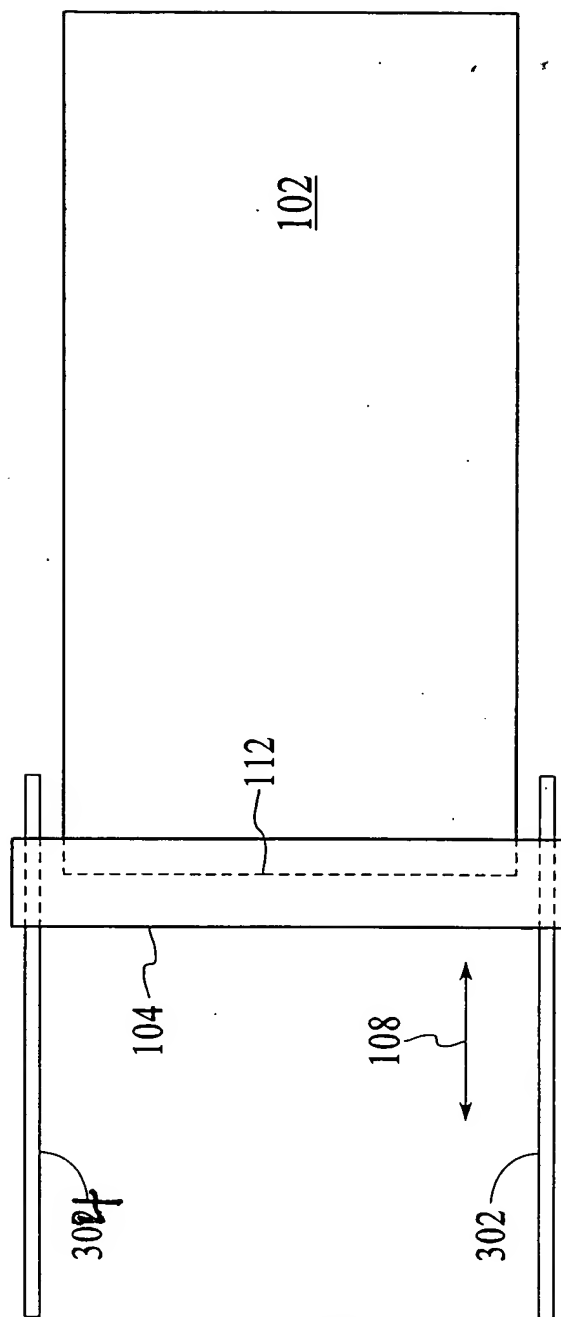
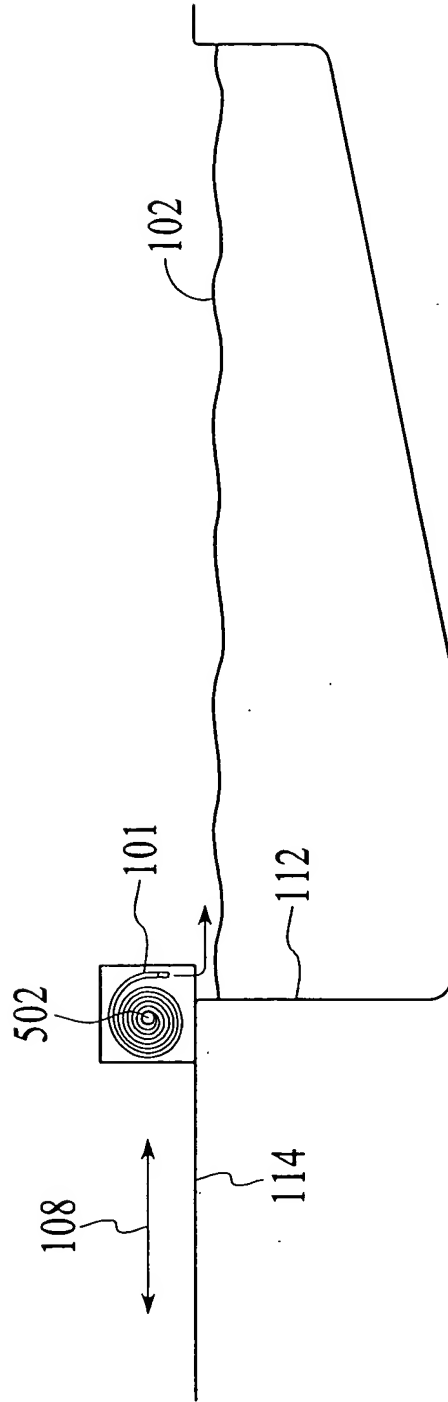


FIG. 1B



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FIG. 1C

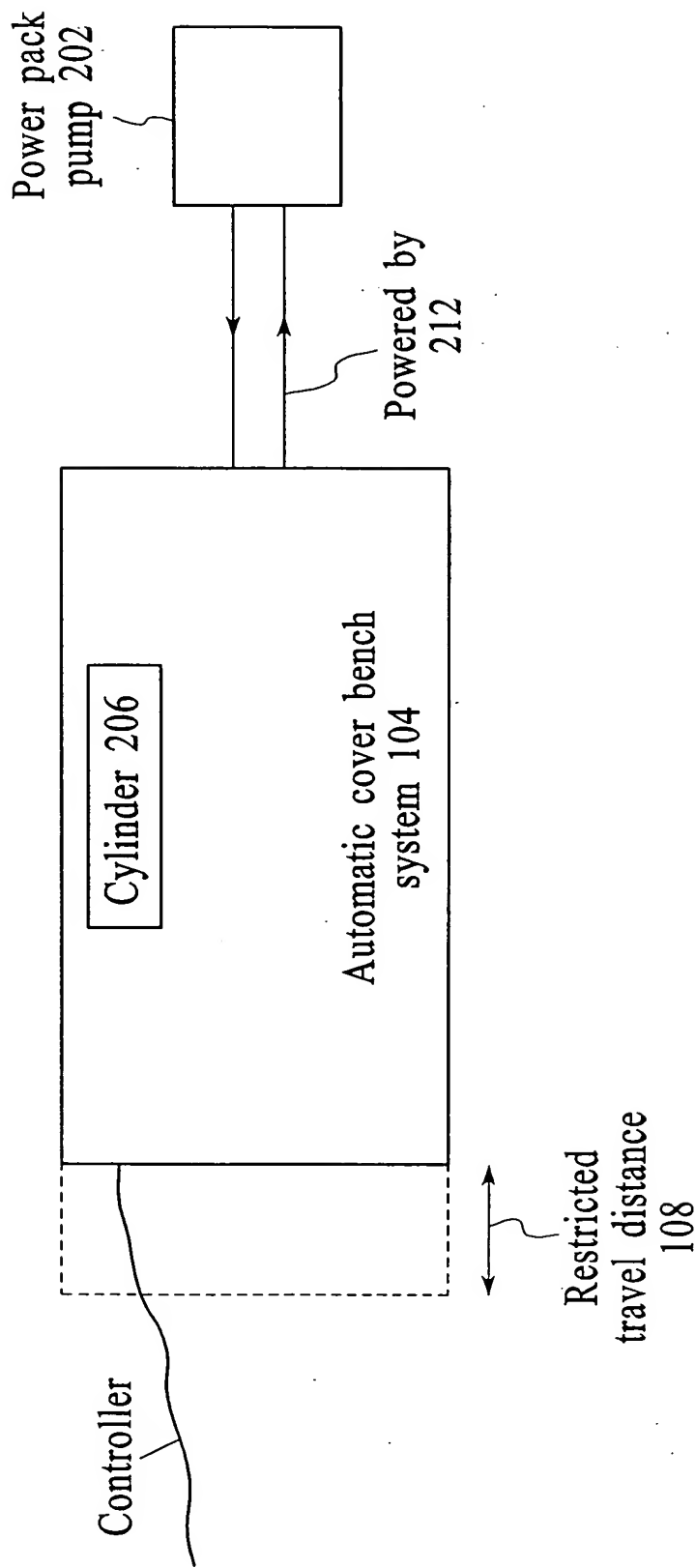
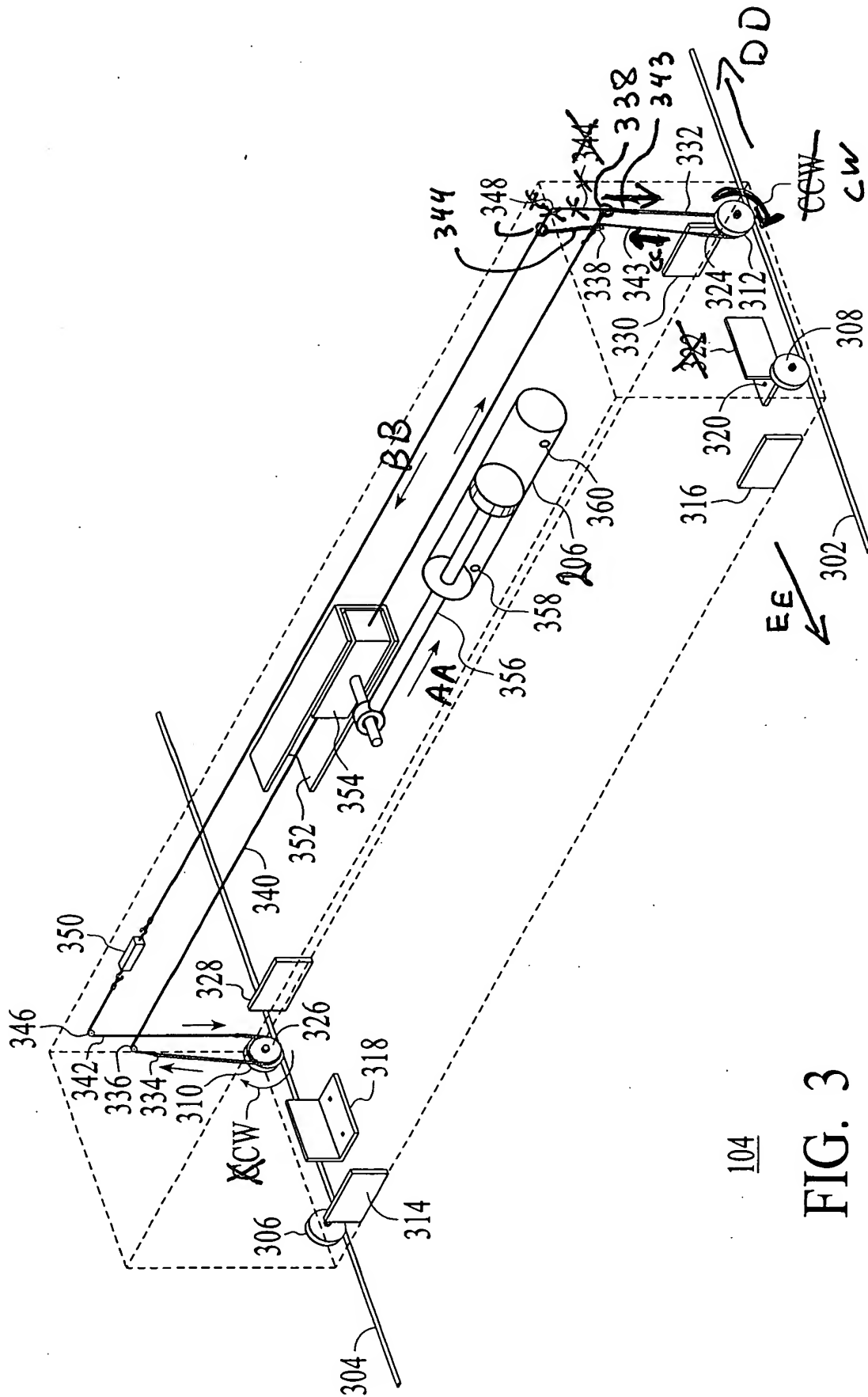


FIG. 2



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FIG. 3

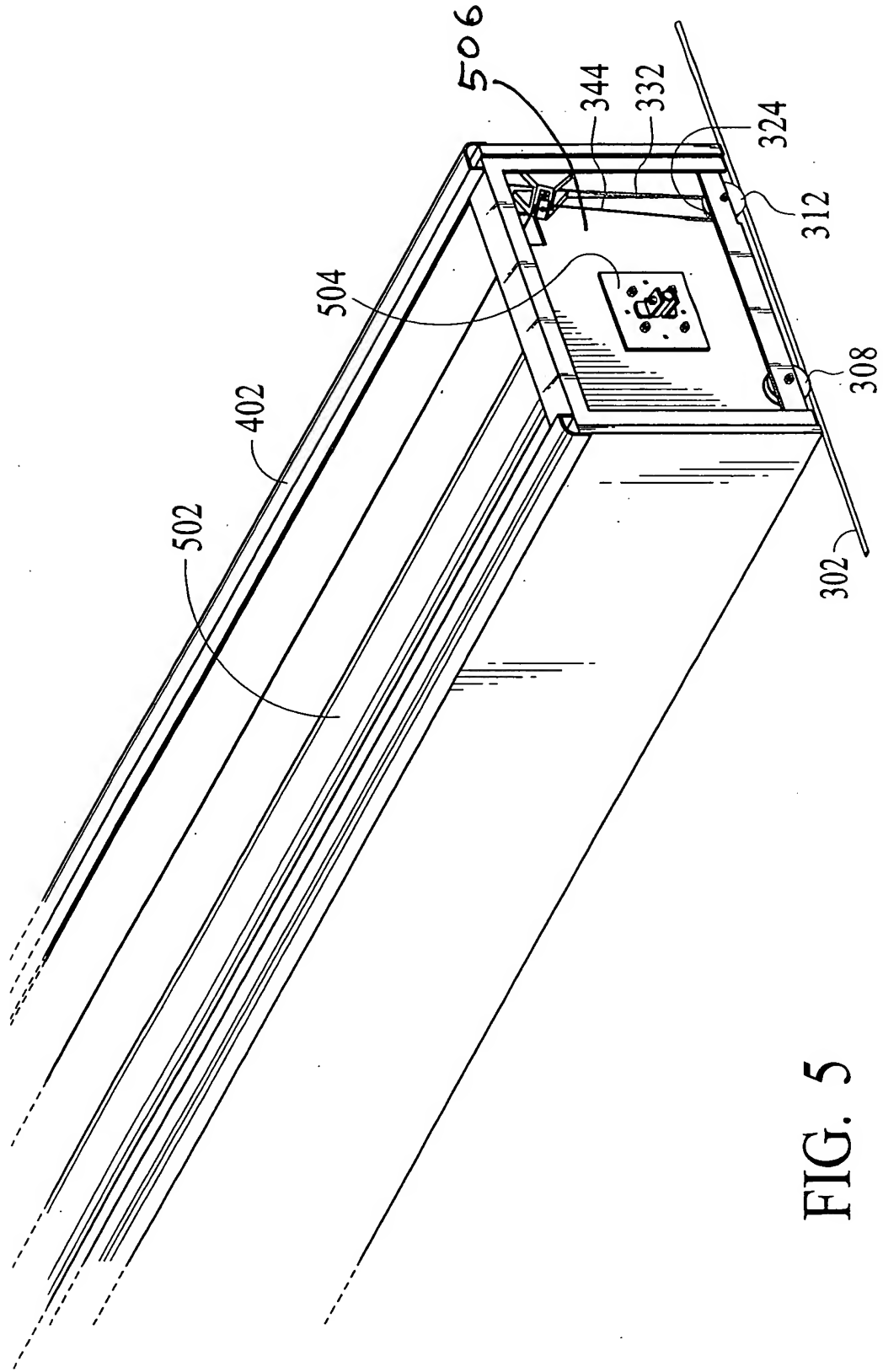


FIG. 5

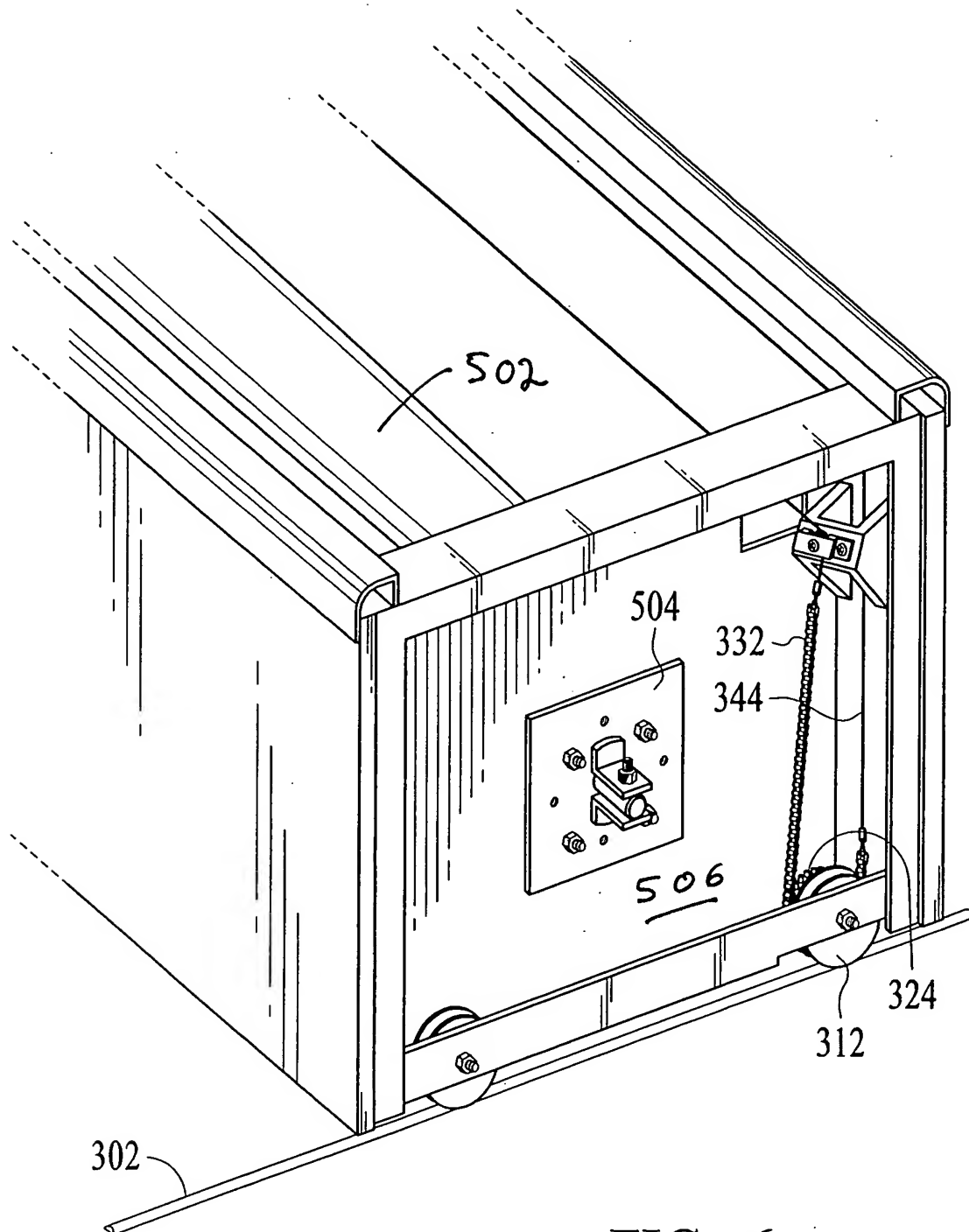


FIG. 6

